

REMARKS

This Application has been carefully reviewed in light of the Final Office Action dated May 8, 2007 (“Office Action”). At the time of the Office Action, Claims 1-3 and 5-23 were pending in the application. In the Office Action, the Examiner rejects Claims 1-3 and 5-23. Applicant amends Claims 1, 20, and 22. Applicant respectfully requests reconsideration and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 1-3, 5-10, 13, 15, 16, and 18-23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0032141 A1 issued to Drattell (“*Drattell*”). Because *Drattell* does not disclose, either expressly or inherently, each and every element of Applicant’s claims, Applicant respectfully traverses these rejections of Claims 1-3, 5-10, 13, 15, 16, and 18-23.

Although it continues to be Applicant’s position that Applicant’s claims are allowable over *Drattell*, Applicant has amended independent Claims 1, 20, and 22 to further clarify Applicant’s claims. For example, independent Claim 1 of the present Application, as now amended, recites:

A method for processing returned items of merchandise;
comprising the steps of:

dispatching a local return agent to a location identified by a consumer associated with an item for return, the location remote from any return center, the local return agent comprising a shipping agent;

providing returns guidelines to the local return agent over a communications link, the returns guidelines for use by the local return agent in making a determination at the location remote from any return center as to the eligibility of an item for return, the local return agent authorized to make the determination on behalf of a merchant;

receiving an item remotely determined to be eligible for return at the return center;

accessing one or more return rules of the merchant associated with the item; and

processing the return in accordance with the return rules.

As discussed in Applicant’s previous Responses, *Drattell* discloses that the system “provides TRC with a high-level of intelligence to manage efficiently the returns for each

retailer thus allowing TRC to ensure compliance with retailer's return policy, prevent fraud, etc." (Page 2, paragraph 22, emphasis added). TRC is an acronym for "the return center" and is described by *Drattell* as "**an outsourced return center**" that "provides a series of locations throughout the customer region of the retailer." (Page 1, paragraph 11). Thus, customers must bring the return item to **a return center location** to "have the return processed at the nearest location." (Page 1, paragraph 5). As such, to the extent that *Drattell* discloses "ensur[ing] compliance with retailer's return policy" (Page 2, paragraph 22), this is done by the "dedicated work-force having expertise in returns processing located in a plurality of individual [TRC] locations near customer locales." (Page 1, paragraph 5)

In the Final Office Action, the Examiner states that "the TRC is analogous with the instant application's use of a local return agent." (Final Office Action, page 8). According to the Examiner, "[t]he local return agent's location would also be considered a return center - as anywhere the return agent is located and returns are processed would constitute a "return center." (Final Office Action, page 8). Applicant respectfully disagrees with the Examiner's conclusion that a local return agent at any location should be considered a return center. A return center is a facility not an agent. As stated above, *Drattell* specifically discloses that the "outsourced return center" of *Drattell* "provides a series of locations throughout the customer region." (Page 1, paragraph 1). As disclosed in *Drattell*, the locations include equipment such as a TRC server 30, one or more central processing units (CPUs) 300, user interface 35, and network 37. (Page 2, paragraph 20). The described equipment is "all connected together via a system bus 309." (Page 2, paragraph 20). Thus, the system of *Drattell* includes facilities disposed at predetermined locations that house the equipment used for processing returned items when the items are brought by the customer to the facility. Accordingly, Applicant continues to respectfully submit that *Drattell* does not disclose, teach, or suggest "providing returns guidelines to **the local return agent** over a communications link, the returns guidelines for use by the local return agent in making a determination **at the location remote from any return center** as to the eligibility of an item for return, the local return agent authorized to make the determination on behalf of a merchant," as recited in Applicant's independent Claim 1.

For similar reasons, Applicant submits that the *Drattell* does not disclose, teach, or suggest “dispatching a local return agent to a location identified by a consumer associated with an item for return, the location remote from any return center, the local return agent comprising a shipping agent,” as additionally recited in amended Claim 1. Even if the associate at TRC of *Drattell* is analogous to the local return agent recited in Applicant’s claim (which Applicant does not admit and expressly disputes above), the associate at TRC certainly is not “[dispatched] . . . to a location identified by a consumer associated with an item for return, the location remote from any return center, the local return agent comprising a shipping agent,” as recited in Claim 1. To the contrary, the TRC associate is a staff member that is **employed at the TRC** to process returned items when the items are brought by the customer to the facility. The additional element recited in Applicant’s amended Claim 1 is absent from the disclosure of *Drattell*.

Applicant also disagrees with the following statement made by the Examiner:

[I]f the TRC as described by *Drattell* is not considered “a location remote from any return center,” then neither is the return agent disclosed by the instant invention, and the independent claims would be considered by the Examiner to be non-enabling.

(Final Office Action, page 8). Applicant refers the Examiner to page 15, line 25 through page 16, line 4 of Applicant’s specification, which states:

. . . In situations where the consumer has either phoned into a local return call center, as indicated at 305, or accessed a local return enabled web site, as indicated at 315, it may be necessary for a local return agent to obtain the product to be returned. As such, and as indicated at 320, the consumer may drop off the product to be returned at a brick and mortar local return center, **or a shipping agent may be dispatched to a location indicated by the consumer to allow the product return to be collected.**

Applicant also refers the Examiner to page 16, line 19 through page 18, line 22 of Applicant’s specification, which states:

As indicated at 430, it may be preferred that a shipping agent, such as a United Parcel Service (UPS) or Rapid Parcel Service (RPS)

representative, act or serve as the local return agent when picking up a product return from a consumer for shipping. To enable the shipping agent to accurately determine a product's eligibility for return, the shipping agent may have access to return guidelines database 216 from a remote device such as a portable computer, PDA (personal digital assistant), or similarly enabled data terminal in the shipping agent's possession. Alternatively, the shipping agent may arrive at the consumer's preferred pick-up site with a checklist generated from return guidelines database 216 indicative of the product return guidelines for the remote retailer from which the consumer purchased the product return. In a further embodiment, the shipping agent may log the product return, preferably using their remote device, with server system 210 such that the remote retailer from which the return was originally purchased is notified, preferably including a consumer account and order number, etc., of the impending return as well as to credit a consumer account for the product's return. As indicated at 440, there may be other methods of enabling a shipping agent to access return guidelines database 216 such that the eligibility of a consumer's product return may be determined.

Upon inspection of the product for return, whether performed by the consumer, the local return agent or the shipping agent, a determination is preferably made regarding the eligibility of the product for return based on product return guidelines available in return guidelines database 216 or in a database accessible via communications link 230. Such an eligibility determination is preferably made at 445. Should the product desired to be returned by the consumer be deemed ineligible or non-returnable, the consumer is preferably notified and the product is returned to the consumer where appropriate, as indicated at 450. Subsequently, method 100 preferably ends at 455. Should the consumer's product be determined eligible for return, method 100 preferably proceeds to step 120 where collection of products to be returned may be effected.

The collection of products to be returned is primarily concerned with consolidating product returns prior to their disposal or final disposition at step 125. If a consumer utilizes a local return enabled web site or phones into a local return call center, the product may be collected by a shipping agent dispatched for pick-up and subsequently shipped to a local return brick and mortar site or other designated collection site. In the situation where the consumer has visited a local return brick and mortar site, the product may be collected by an employee or local return agent located therein and subsequently shipped to a collection site or held at the brick and mortar local return center. In one embodiment, if the remote retailer from which the product was originally purchased is a local return program participant, the consumer may be credited for their product return upon collection. Once the eligible returns have been preferably collected, method 100 may proceed to step 125 for the preferred disposal of the collected product. One advantage, provided by teachings of the present

invention, involves the flexibility with which returned products may be disposed.

Accordingly, the embodiment of Claim 1 is enabled by Applicant's specification.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 1, together with Claims 2-3, 5-10, 13, and 15-19 that depend from Claim 1.

The Examiner also relies on *Drattell* to reject independent Claims 20 and 22. Applicant respectfully submits, however, that *Drattell* does not disclose, teach, or suggest each and every element of Applicant's independent Claims 20 and 22. For example, Claim 20 recites "a computer system programmed to . . . provide returns guidelines to a local return agent over a communications link, the local return agent comprising a shipping agent dispatched to a location identified by a consumer associated with an item for return, the location remote from any return center, the returns guidelines for use by the local return agent in making a determination at the location remote from any return center as to the eligibility of an item for return, the local return agent authorized to make the determination on behalf of a merchant." As another example, Claim 22 recites "computer product having instructions for . . . providing returns guidelines to a local return agent over a communications link, the local return agent comprising a shipping agent dispatched to a location identified by a consumer associated with an item for return, the location remote from any return center, the returns guidelines for use by the local return agent in making a determination at the location remote from any return center as to the eligibility of an item for return, the local return agent authorized to make the determination on behalf of a merchant." Thus, for reasons analogous to those discussed above with regard to Claim 1, Applicant respectfully submits that Applicant's claims are allowable over *Drattell*.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 20 and 22, together with Claims 21 and 23 that depend from Claims 20 and 22, respectively.

Section 103 Rejections

The Examiner rejects Claims 11, 12, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Drattell* in view of U.S. Patent Application Publication No. 2002/0010634 A1 issued to Roman et al. ("*Roman*"). The Examiner rejects Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over *Drattell* in view of U.S. Patent Application Publication No. 2002/0019777 issued to Schwab et al. ("*Schwab*").

Dependent Claims 11, 12, 14, and 17 depend on Claim 1, which Applicant has shown above to be allowable. Additionally, Claims 11, 12, 14, and 17 are patentable because they recite additional features and operations not disclosed, taught, or suggested in the prior art. Since Claims 11, 12, 14, and 17 incorporate the limitations of independent Claim 1, Applicant has not provided detailed arguments with respect to Claims 11, 12, 14, and 17. However, Applicant remains ready to do so if it becomes appropriate. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 11, 12, 14, and 17.

CONCLUSION

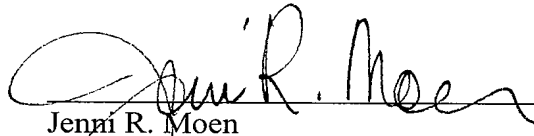
Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant does not believe any fees are due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney at (214) 953-6809.

Respectfully submitted,

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